

SEP 28 2007

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

MARIA ADRIANA MICHEL,

Petitioner,

v.

PETER D. KEISLER,** Attorney General,

Respondent.

No. 05-72253

Agency No. A95-189-531

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted September 24, 2007**

Before: CANBY, TASHIMA and RAWLINSON, Circuit Judges.

Maria Adriana Michel, a native and citizen of Mexico, petitions for review
of the Board of Immigration Appeals' ("BIA") order denying her motion to

* This disposition is not appropriate for publication and is not
precedent except as provided by 9th Cir. R. 36-3.

** Peter D. Keisler is substituted for his predecessor, Alberto R.
Gonzales, as Acting Attorney General of the United States, pursuant to Fed. R.
App. P. 43(c)(2).

*** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

remand based on ineffective assistance of counsel. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review the denial of a motion to remand for abuse of discretion. *Castillo-Perez v. Gonzales*, 212 F.3d 518, 523 (9th Cir. 2000). We deny the petition for review.

The BIA did not abuse its discretion in concluding that the affidavit Michel submitted with her motion to remand failed to satisfy the requirements set forth in *Matter of Lozada*, 19 I. & N. Dec. 637 (BIA 1988). *See Azanor v. Ashcroft*, 364 F.3d 1013, 1023 (9th Cir. 2004) (recognizing that the affidavit must “[set] forth in detail the agreement that was entered into”). Contrary to Michel’s contention, the ineffective assistance was not plain on the face of the record. *See Reyes v. Ashcroft*, 358 F.3d 592, 597-98 (9th Cir. 2004).

PETITION FOR REVIEW DENIED.